



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,434	01/20/2004	Daniel Decroupet	4004-054-30-CONT	1152
7590	03/25/2005			
Supervisor, Patent Prosecution Services				
PIPER RUDNICK LLP				
1200 Nineteenth Street, N.W.				
Washington, DC 20036-2412				
			EXAMINER	
			SPEER, TIMOTHY M	
		ART UNIT	PAPER NUMBER	
		1774		

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/759,434		DECROUPET, DANIEL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Timothy M. Speer		1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/572454.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____                                                 |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/04</u> .                                                               | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/572,454, filed on 05/17/2000.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 10-22-2001 has been considered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 30-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner was unable to find support in the originally filed application for the thickness limitations recited in new claims 30-35 and applicant has failed to identify such support. Therefore, these limitations are considered to constitute new matter.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brochot (USPN 5948538) in view of Boire (JP10-217378).

Brochot teaches a solar control panel comprising a glazing substrate and a solar control coating. The solar control coating comprises, in sequence from the glazing substrate, at least:

- a first antireflective layer adjacent the substrate;

- a first infra-red reflecting layer;

- a first barrier layer;

- a second antireflective layer;

- a second infra-red reflecting layer;

- a second barrier layer; and

- a third antireflective layer (see Figure 1 and accompanying text; and Examples 5 and 6, for instance). The solar control panel exhibits a luminous transmittance of less than 70%, a direct energy transmittance of less than 40% and a dominant wavelength in reflection of less than 510 nm (see Table 3, for instance). The solar control panel of Brochot may be used in laminated glazing units and multiple glazing units, as recited in instant claims 27 and 28 (see col. 5, lines 53-57, for instance). According to Brochot, the antireflective layers may be formed of metal oxides and the infra-red reflecting layers may be metal, such as silver.

Brochot fails to teach that the solar control coating comprises at least one additional light absorbing layer spaced from each of the barrier layers.

Boire teaches that it is conventional in the art to include at least one metal layer adjacent to infra-red reflecting layers in solar glazings. Such layers may serve as either nucleation or

Art Unit: 1774

protective layers. Moreover, such layers may be formed of titanium and have a thickness in the range of 5-40 angstroms (page 7, 3<sup>rd</sup> full paragraph; page 18, second full paragraph; and table 3, for instance). Accordingly, the layers taught by Boire constitute "at least one additional light absorbing layer spaced from the barrier layers," as presently claimed, since they are formed of the same materials and have the same thicknesses as presently claimed.

Regarding claims 31-34 reciting various thicknesses of the layers, Brochot does not limit the thicknesses of the recited layers. Where the prior art discloses the general conditions of a claim, it is not considered inventive to discover optimum or workable ranges through routine experimentation. Therefore, these claims are not considered to distinguish over the applied prior art.

### ***Conclusion***

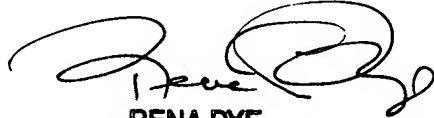
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Speer whose telephone number is 571-272-8385. The examiner can normally be reached on M-Th, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1774

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMS

  
RENA DYE  
SUPERVISORY PATENT EXAMINER  
A.O. 1774 3/21/09